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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,292	03/14/2001	Van den Berg Karel	8553/206	6363

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EXAMINER

BATSON, VICTOR D

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 03/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/764,292

Applicant(s)
VAN DEN BERG

Examiner
Victor Batson

Art Unit
3671



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 24-64 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 24-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jan 19, 2001 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the caterpillar track (claim 29), the orientation means (claims ^{84, 85, 89, 90, 91, 94} 30, 31, 35), the guidance means (claims ^{86, 87, 88} 32, 33, 34), a compass (claim 35), a gyroscope (claim ⁹⁰ 36), an air level device (claim 37), a clinometer (claim ⁹² 38, 53), an accelerator meter (claim ⁹³ 39, 54), a circular element comprising a wheel, a disc, a sphere (claims ⁹⁹⁻¹⁰¹ 45-47, protective facilities comprising a sensor for detecting cows, a positioning means (claim 52), a signal producing means (claim 55), a brush (claim ^{bumper not bracket} 56), a spraying unit (claim 58), a bracket (claim 61), an anti-bumping sensor (claim 62) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Objections

2. Claim 25 is objected to because of the following informalities: In claim 25 line 7, it appears that "in a" should be inserted after "located". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same

and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1,24-62 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear how the claimed compass, gyroscope, air level device clinometer and accelerator meter work with the orientation means. It is not clear how the claimed clinometer, acceleration meter, signal producing means works with the positioning means. It is not clear how the manure displacing means comprising a brush and particularly a spraying unit is indispensable for supporting and propelling the vehicle or how they support the vehicle while it is operating (claims 1 & 24).

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 25,30,42-47,59-62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 25 lines 3-4, "the underlying

floor" lacks proper antecedent basis. In claim 25 lines 8-9, and claim 26 line 2, "a steering unit" lacks proper antecedent basis as antecedent basis has already been established for "a steering unit" in claim 24 line 2. In claim 30 line 2, "the relative position" lacks proper antecedent basis. In claim 42 line 2, the phrase "is in substantial part circular" is not understood. In claim 42 lines 3-4, "the circumference" lacks proper antecedent basis. In claim 59 line 3, "the floor" lacks proper antecedent basis. In claim 62 line 4, "the floor" lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1,24,48,49,57,58 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloan (5,279,012).

Sloan discloses an unmanned vehicle including a steering unit 22 for steering the vehicle, a propelling unit 18 and manure displacing means (34,18,67) for displacing manure, with the manure displacing means fitted in such a manner that they are indispensable for supporting and/or propelling the vehicle.

Concerning claims 48 & 49, member 39 is considered a protective facilities bumper. Concerning claim 57, member 34 is considered a manure slide, and member 67 is disclosed as a spraying unit.

9. Claims 1,24-27,30,31,35-41,48,51-56,63,64 are rejected under 35 U.S.C. 102(b) as being anticipated by Perling (5,569,371).

Perling discloses an unmanned vehicle including a steering unit for steering the vehicle, a propelling unit (2,4) and manure displacing means (2,4) for displacing manure, with the manure displacing means fitted in such a manner that they are indispensable for supporting and/or propelling the vehicle. Perling further discloses the use of a guidance means including detectors 30, 30' and the on-board microprocessor.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

11. Claims 1,24-27,30,31,35-41,50-55,56,63,64 as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by Porat et al. (6,299,699).

Porat et al. discloses an unmanned vehicle including a steering unit for steering the vehicle, a propelling unit (14a,14b) and manure displacing means (14a,14b,22, discharge pump) for displacing manure, with the manure displacing means fitted in such a manner that they are indispensable for supporting and/or propelling the vehicle. Perling further discloses guidance means, orientation means and protective facilities 40.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 28,29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perling (5,569,371).

Perling discloses an unmanned vehicle as described previously, but lacks the propelling members comprising a wheel or a caterpillar track.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the propelling means with wheels or caterpillar track since the examiner takes

Official Notice of the equivalence of wheels and caterpillar tracks and traction brushes for their use in the propelling art and the selection of any of these known equivalents to propel a vehicle would be within the level of ordinary skill in the art.

Allowable Subject Matter

14. Claims 32-34, 42-47, 59-62 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record discloses various vehicles.

Inquiries

16. Any inquiry concerning this communication should be directed to Examiner Victor Batson whose telephone number is (703) 305-6356. The examiner can be normally reached Monday through Friday (except Wednesday) from 7:00 am to 5:00 pm, Eastern Standard Time.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703) 305-7687.

March 18, 2002


Victor Batson
Primary Examiner
Art Unit 3671